

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GUY THOMPSON and NANCY  
THOMPSON, d/b/a STEAM HEAT  
CARPET JANITORIAL CLEANING,

Plaintiffs,

v.

KDNL LICENSEE, LLC, SINCLAIR  
BROADCAST GROUP, INC., SINCLAIR  
MEDIA I, INC., and SINCLAIR  
COMMUNICATIONS, LLC,

Defendants.

No. 4:19-CV-2037 CAS

**ORDER OF PARTIAL DISMISSAL**

This diversity matter is before the Court on remaining defendant Sinclair Communications, LLC's Motion to Partially Dismiss. Defendant asserts that under the applicable ten-year statute of limitations, Missouri Revised Statutes § 516.110.1, plaintiffs can only seek to recover damages on their breach of contract action from November 19, 2008 to the present, as suit was filed on November 19, 2008. In response, plaintiffs state they have no opposition to the Motion to Partially Dismiss.

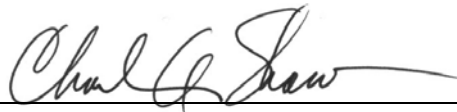
A "motion to dismiss may be granted when a claim is barred under a statute of limitations." Varner v. Peterson Farms, 371 F.3d 1011, 1016 (8th Cir. 2004) (citation omitted) (quotation marks omitted). In the Second Amended Petition, plaintiffs seek to recover damages from December 14, 1997 to the present. The Court agrees that plaintiffs' claims are time barred to the extent they seek to recover damages for breach of contract prior to November 19, 2008. As the affirmative defense of the statute of limitations clearly appears on the face of the complaint, the Court will grant the

motion to partially dismiss. See Bradley Timberland Res. v. Bradley Lumber Co., 712 F.3d 401, 406 (8th Cir. 2013).

Accordingly,

**IT IS HEREBY ORDERED** that defendant Sinclair Communications, LLC's Motion to Partially Dismiss is **GRANTED**. [Doc. 12]

**IT IS FURTHER ORDERED** that plaintiffs' claims are **DISMISSED** to the extent the Second Amended Petition seeks to recover damages for breach of contract accruing before November 19, 2008.

A handwritten signature in black ink, appearing to read "Charles A. Shaw", is written over a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 3rd day of September, 2019.